

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
)
DISTRIBUTION OF CABLE)
TELEVISION ROYALTY FEES.)

Affidavit on Behalf
of Character Claimants

State of New York)
) ss.:
County of New York)

Sol Harrison, being duly sworn, deposes and says:

1. I am the President of DC Comics, Inc., one of the character claimants in this proceeding. I am fully familiar with claimant's business and operations, including the matters relating to the subject of this cable royalty distribution proceeding.

2. DC Comics, Inc. is, and throughout 1978 was, the owner of copyright in certain pictorial, graphic and sculptural works, namely, well-known, distinctive and popular visual characters, including, among others, each of the following:

- (a) SUPERMAN
- (b) CLARK KENT
- (c) LOIS LANE
- (d) BATMAN
- (e) ROBIN
- (f) JOKER
- (g) RIDDLER
- (h) AQUAMAN
- (i) PENGUIN
- (j) THE CATWOMAN

3. The copyrighted works, i.e., the copyrighted characters described in Paragraph 2, were included in the following non-network or syndicated television programs or series broadcast during 1978:

(a) "THE ADVENTURES OF SUPERMAN", featuring SUPERMAN, CLARK KENT and LOIS LANE;

(b) "BATMAN", featuring BATMAN, ROBIN, JOKER, PENGUIN RIDDLER and THE CATWOMAN; and

(c) "AQUAMAN/BATMAN/SUPERMAN", featuring AQUAMAN, BATMAN, and SUPERMAN.

4. Of the programs listed above, the following were included in the Arbitron Television Syndicated Program Analysis Audience Estimates of November, 1978, and there are attached hereto copies of the reports of the Arbitron Analysis showing the markets and broadcast stations on which such programs were syndicated in 1978:

(a) "THE ADVENTURES OF SUPERMAN" and

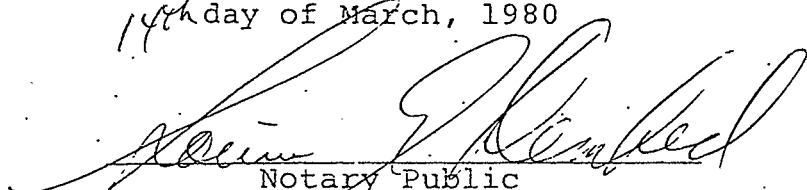
(b) "BATMAN".

5. To the best of my knowledge and belief, each of the foregoing copyrighted works or characters was likewise included in distant non-network retransmissions made by cable systems during 1978. For example, the character SUPERMAN was included in retransmission of "THE ADVENTURES OF SUPERMAN" by Warner Cable of Clairemont from Station WPIX. In addition, the character BATMAN was included in retransmission of "BATMAN" by Warner Cable of Clairemont from Station WSMW.

5. Visual representations of our characters are annexed to this affidavit. Our copyrighted characters were included without transformation in appearance or identity in the television programs identified above. Thus, each character continued to retain its independent existence; its immediately recognizable identity and its distinctive appeal apart from and, indeed, paramount to the particular stories, settings or other programming material in which the character was included.


Sol Harrison, President

Sworn to before me this
14th day of March, 1980


Notary Public

LOUISE E. DEMBECK
Notary Public, State of New York
No. 44-5979730
Qualified in Rockland County
Commission Expires March 30, 1977